IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3242 OF 2007

M/s.Maharashtra Khadi Gramudhyog
Madhyawarti Sangh ..Applicant.

V/s.

Smt.Kausalya B.Deshmukh & Anr. ..Respondents.

Mr.K.S. Varma for applicant.

CORAM : A.P.DESHPANDE, J.

DATED : 25TH APRIL, 2007.

P.C. :-

. Respondent was working as a peon with the present petitioner and according to respondent he had worked from 1996 to 1999. A grievance was made before the Labour Court that the respondent No.1 had put in 240 days of continuous service in the preceding 12 months of termination of her service and it was also contended that the termination was in breach of section 25(f) of the Industrial Disputes Act. No notice or retrenchment compensation was paid. The witness for the petitioner admitted the fact that the respondent No.1 was working as casual labourer with petitioner. No muster roll was produced on the ground that no muster roll was maintained. The petitioner tried to substantiate its case that the respondent No.1 had not

put in continuous service of 240 days in the preceding 12 months of termination by placing on record vouchers. The impugned order clearly reveals that the vouchers for the preceding 12 months before termination were not placed on record of the Labour Court. Some of the vouchers no doubt were placed. After appreciating the evidence on record, the Labour Court has answered the reference in favour of the respondent holding that the termination was illegal. The reference award is passed in December, 2005 and belatedly, this Petition has been filed in April, 2007 without disclosing any reason whatsoever for condoning the delay and latches in filing the present petition. In the first place, I find there is no patent illegality committed by the Labour Court warranting interference in writ jurisdiction. Secondly, there being delay and latches in filing the present petition, the same does not need to be entertained. Petition is summarily dismissed.

(A.P.DESHPANDE, J.)